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REMARKS

The Final Office Action (hereinafter the Action) mailed October 4, 2005 has been reviewed and these remarks are responsive thereto. Claims 1-28 remain pending in this application and currently stand rejected. By entry of this amendment, claim 15 is amended, and claims 22-28 are cancelled. Applicant appreciates the phone discussion between the Examiner and Applicant's representative on December 5, 2005 and understands that the claims themselves were not discussed. In light of the remarks set forth below, Applicant requests that the rejections be withdrawn and the claims allowed.

Cancelled Claims

Claims 22-28 are cancelled by this amendment without prejudice or disclaimer. Applicant retains the option to pursue these claims in a continuation application.

Claim Rejections under 35 U.S.C. §103

The Action rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,864,613 to Flood (hereinafter *Flood*) in view of U.S. Patent No. 4,953,202 to Newell (hereinafter *Newell*). Because neither *Flood* nor *Newell*, alone or in combination, teaches or suggests every element of claims 1-28, Applicant respectfully requests withdrawal of the rejections.

As an example, independent claim 1 provides, in part:

A device for controlling telephone usage, comprising:
a switch...
a processor ..., and
a delay element configured to override the processor control of the switch
when the delay element is activated.

In rejecting this claim, the Action states that *Newell* discloses this aspect of the claim, but this is not the case. Specifically, the Action notes:

Newell teaches a call barring circuit that can be configured for either allowing or barring outgoing calls by a barring circuit user, wherein the barring circuit user can override barring mode that allows the user to make a desired outgoing call by entering a dialed code that matches a stored authorization code. In the instant, it is obvious that the barring or obstructing of the circuit is temporarily delayed until its barring mode is activated back after completion of the call.

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Newell does not disclose a delay element configured to override the processor control of the switch when the delay element is activated. *Newell* does include a delay element 30 as a part of pulse processing circuit 11. However, *Newell's* delay element is not "configured to override processor control of the switch." Furthermore, *Newell* does not disclose the use of a processor to control a switch at all, let alone the delay element overriding that control.

The Action states that "it is obvious that barring or obstructing of the circuit is temporarily delayed until its barring mode is activated back after completion of the call." Even were it obvious that *Newell* included such a temporary delay, this obviously does not constitute the delay element being configured to override processor control of the switch as recited in claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim allowed. Furthermore, the rejections of claims 2-14, which ultimately depend from claim 1, should be withdrawn since the claims are allowable for at least the same reasons as their base claim.

Independent claim 15 provides a method of controlling telephone usage including steps of:

- determining a time;
- comparing the time to a time reference;
- completing a circuit between a telephone line and a telephone to allow a phone call to proceed when the time is different than the time reference and obstructing the circuit between the telephone line and the telephone when the time is equal to the time reference, and
- delaying the obstructing of the circuit by activating a delay device when the time is equal to the time reference and obstructing of the circuit is desirable.

Newell does not disclose delaying the obstructing of the circuit by activating a delay device when the time is equal to the time reference and obstructing of the circuit is desirable. *Newell* may include a delay element 30 as a part of pulse processing circuit 11. However, *Newell's* delay element is not activated when time is equal to a time reference. *Flood* does not repair this deficiency, and therefore Applicant requests that the rejection of claim 15 be withdrawn and the claim allowed. Moreover, rejected claims 16-21, depending from claim 15, are allowable for at least the same reasons as claim 15, and therefore their rejections should be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submits that the present application is in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date are hereby solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

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